

**TOWN OF SCHODACK COUNTY OF RENSSELAER STATE OF NEW
YORK**

PLANNING BOARD MEETING- August 6, 2007

CALLED TO ORDER BY: CHAIRMAN PETER GOOLD AT: 7:00 p.m.

PRESENT

**Peter Goold, Chairman
Denise Mayrer, Vice-Chairman
Engineer
G. Jeffrey Haber
Wayne Johnson
Sylvester Kedzierski
John LaVoie
Paul Puccio
Tim Nugent, Esq
Melissa Knights, Secretary**

MEMBERS ABSENT

**Nadine Fuda, Director
Richard Laberge, Planning Board**

PUBLIC COMMENT:

There was no comment from the public

MINUTE APPROVAL— July 16 2007

Puccio Moved, Johnson seconded that the minutes be approved as amended.
7 Ayes. 0 Noes. Motion carried.
Ayes: Goold, Haber, Johnson, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: None

**Hannaford Distribution Center
Wind Energy Conservation**

Info

James Baisley, Hannaford Facility Manager, was present for this meeting.

Mr. Baisley stated that Hannaford would like to set up a Wind Turbine on the Hannaford property for a one-year trial. Their interest is to create electric power for the warehouse. They have contacted consultants that specialize in this field and they feel that Hannaford has a 50/50 chance of having enough adequate wind to support a wind turbine. And before Hannaford invests a couple million dollars into the purchase of a wind turbine, they first need to do some diligent testing.

They proposed a 197-foot test tower with guide wire cables. It would be located between their building and the B-1 exit. If the site had to be changed they have enough property that they could use and will meet all the setback requirements. He understands that 197 feet is higher than the town currently zoned for. That is why he is here tonight to see what arrangements need to be made to build this test tower. He also states that this test is for only one year and then the tower will come down. All information collected would also be shared with the town.

Hannaford Continued...

Mrs. Mayrer asked if he knew that there were companies in that area that sells this data.

Mr. Baisley stated that they have looked at that data. But the specific wind can change as it goes around hill tops. The piece of property that has been selected has not been tested, this is such a large investment they need to test on that site. He states that Jiminy Peak has just built a wind turbine (had pictures), Vermont has quite a lot and GE is moving their turbine headquarters to Schenectady. All recommend doing this test before the actual purchase of a wind turbine.

Mr. Haber asked if he knew how noisy they are.

Mr. Baisley states that he has been around them and they are not noisy. There is a whooshing sound if you stand right underneath them but if you are 100 to 200 feet away, you cannot hear a thing.

Mr. Kedzierski asked about the height of the tower at Jiminy Peak.

Mr. Baisley states that the size of these turbine is about 250 feet or more. But they come in different sizes and scales. He does not know how big Hannaford's turbine would be should they want to purchase one. He is just looking to put up a test tower.

Mr. Kedzierski states that Mr. Baisley is absolutely right about the noise, there is very little sound that comes off turbines. In addition, it's a great energy source. If all goes well they could run their business off the grid.

Mr. Baisley states that their goal is to create enough electricity to run the warehouse.

Mr. Kedzierski states he thinks it the way of the future.

Mr. Johnson asked how high this is in relation to the cell tower in the back.

Mr. Baisley does not know which would be higher. If the test tower is higher it would not be by that much.

Mr. Puccio asked where the cell tower location is.

Mr. Johnson states he was asking about the Beagle Club property, which is up on top of the hill.

Mr. Johnson asked if the actual tower would be higher than the 197 feet of the test tower. Would the turbine be 200 feet and the blades would run another 100 off of that.

Mr. Baisley states it is based on the size and the wind availability. There is a good chance they may not even pursue a wind turbine it is all based on the test results.

Mr. Haber states that if they were to recommend the go ahead with the test everyone need to understand that the Planning Board will need to a have follow up.

Hannaford Continued...

Mr. Baisley states that he understands this is not a grantee that they will be able to put up the turbine, He also states that Hannaford will share all the information that they find.

Ms. Mayrer states that is what she was alluding to before, there have been studies done before in this area on the wind velocities, she her self has all the information, and was going to put up a wind turbine. If he was given a 50/50 chance, he might want to look into more advance data that is available.

Mr. Baisley states he would be happy to look at anything that is available, What they are interested in is the rotor effect that they would get off the that particular hill. The wind comes from the North West and they need to know how the trees and the hill will affect it.

Mr. Haber asked if it is approved when will the tower go up?

Mr. Baisley states if they were to get approval they would like to set it up before snow flies. And asked what the process was to get started.

Chairman Goold stated that he would have to apply for a building permit and be turned down.

Mr. Nugent states that is correct the building inspector would review the specks and deny the application. With that denial he would then go to the Zoning board to get the variance and then come back to the planning board for recommendation and a hearing before the zoning board.

Mr. Puccio asked if this board does not have a problem with this request is there some way we can issue a positive recommendation to the zoning board of appeals and not make them come back to start the process all over.

Chairman Goold stated that in the past they have not short circuited the normal procedure that is in our code, there have been times when we have given a since that the planning board favors this thing. But to do it legally we have to go through the steps.

Mr. Nugent states we have in the past, sent the applicant back with a pre-application recommendation but that is when they have a large subdivision. He would be more comfortable if the actual application was filed. He does not know of any requirement that the applicant comes back to the planning board so much as you have the application and we make a determination at the next meeting.

Chairman Goold asked if the members were comfortable with what Mr. Nugent had just discussed.

Members responded "agree"

Chairman Goold states that if they want to go ahead with this project to contact

Nadine Fuda in the Planning office to discuss the process. One thing they would need is to get a variance.

**Schodack Plaza
1649 Columbia Tpk
Proposed – Retail store sign
Tractor Supply Store**

Z656-07/HC/189.-5-11

Recommend to ZBA

Pat Boni, Boni Sign Co. Saxton Signs, was present for this meeting.

Mr. Boni stated that they would like to install a 6 foot 3 inch tall by 20-foot wide single sided illuminated sign in the front of the building. The town only allows for a 32 square feet for a sign. They have three main reasons why they are requesting a larger sign

1. the fascia size, a 32 square foot sign on the large fascia of the store (shows the board the print out of the sign) the sign would disappear. And compare to the other tenants this takes up less percentage of the frontage.
2. the set back, its quite a way back from Rt. 9& 20 and no one will be able to see the sign when they come from the south.
3. finally, there are several trees that will block the sign from view (as shown in the photo of the larger sign) a 32 square foot sign will be hidden from view because of those trees.

Mr. Johnson stated that at the last meeting he asked specifically if they were aware of the town sign code and in the minutes that were just approved they stated that they would not be coming back for a variance. And that was two weeks ago. He was just wondering if they were anxious to get an approval on the site plan and knew that they would be coming back for a variance.

Mr. Boni stated that he knew nothing about the building, just the sign.

Mr. Puccio stated that the conversation at the last meeting was about the sign in front of the plaza by Rt. 9&20. In fact the minutes state that Mr. Johnson asked the question and the follow up from Ms. Fuda stated that the Plaza it self has a sign out by Rt. 9 that is a 100 square feet, so everyone's focus was on that sign.

Mr. Johnson stated that they were discussing the signage and the town code. Because of Ride Aid and the problems they had, he asked specifically if they were going to need more signs. Ms. Fuda did explain that the large sign by the road could be used but the conversation was not specifically about that sign.

Chairman Goold asked if he could get a recommendation from the board.

Haber moved, Puccio seconded a "**FAVORABLE**" recommendation to the Zoning Board of Appeals.

6 Ayes. 1 Noes. Motion carried.
Ayes: Goold, Haber, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: 1
Noes. Johnson

Recommendations to the Town of East Greenbush Planning Board

**William Favro
9 Taylor Drive
East Greenbush**

2007-23/RA/177.-8-5

Proposed – Lot Line Parcel #F of Lot # 87

Richard Tice engineer, Brewer Engineering, was present for this meeting.

Mr. Tice stated that this lot is in Taylor Estates located in East Greenbush the residents was built by the Muzzulo Brothers and following that the ensuing prior land owner build a swimming pool and a deck in the rear setback area. Also they built retaining walls on the lands of Muzzulo. So in order to transfer the property the lawyers are requiring them to purchase the two parcels off Muzzulo. So actually, it is a lot line change.

Chairman Goold asked Mr. Nugent to guide the board thorough a lot line adjustment recommendation to another town.

Mr. Tice stated that he was instructed to come to the Town of Schodack first to run it by us, he is on Town of East Greenbush agenda for the next week.

Mr. Nugent stated that we have the authority over the Schodack portion of the lot.

Chairman Goold stated that this is just a simple lot line adjustment for us.

Mr. Nugent stated that we could do the lot line adjustment or defer it to East Greenbush. In addition, he recommends that we defer.

Mayrer Moved, Puccio seconded that the lot-line adjustment be waved and depicted on lot 87 owned by Mr. Favro.

7 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Haber, Johnson, Kedzierski, LaVoie, Mayrer, Puccio

Oppose: None

**Darlene and Allen Dow
1015 South Schodack Rd
Proposed – Two Family Dwelling**

2007-20/RA/219.-1-8.144

Site Plan

Mr. and Mrs. Dow applicants were present for this meeting.

Mrs. Dow stated that they want to add an accessory apartment to the side of the house with one common front door. This is for down sizing in the future because of health problems.

Chairman Goold asked if this was going to be a full fledge two family home that will be built.

Darlene and Allen Dow Continued...

Mrs. Dow stated that it will have a double front door with ample parking on 2.66 acres at 1015 Schodack Road.

Chairman Goold stated the minimum size lot in Schodack is 75 thousand square feet. Which is just under 2 acres so they should be fine.

Mrs. Mayrer asked if the unit will be for rent or for family members.

Mrs. Dow stated it is for family.

Mrs. Mayrer asked if they wanted a two family or should they do an accessory apartment.

Mrs. Dow stated that they were told that an accessory apartment variance would be required

Mr. Puccio asked why with a single door, it would not make sense.

Chairman Goold stated that it looks to him that they were asking for a special permit for a two family dwelling.

Mr. Nugent stated he was just going to ask for clarification, The agenda states that it is listed as a site plan and he thinks it should be noted as a special permit. Ether way they would have to schedule a public hearing.

Chairman Goold stated the application is for a two family if that is what they are applying for.

Mrs. Mayrer stated that she wanted to make it clear that when family members are involved and there is only one entrance, it is generally for an accessory use and not for a two family. A two family is usually for external tenants. And noted that it is a lot easier to get a special permit for accessory use.

Mrs. Dow stated that it is not for external tenants it is for family.

Mr. Johnson stated that a two family would allow them in the future if there was a sale to allow some one to have two tenants. It might be a more attractive property for a sale listed as a two family. So they need to decide how they want to the project to go.

Mrs. Dow stated they want to keep it as a special permit and a accessory apartment.

Mr. Johnson asked where the parking will be. Because the map he has shows the door right on the road.

Mrs. Dow stated that they have land to the side but have not designated where the parking will be.

Darlene and Allen Dow Continued...

Mr. Haber stated that he did not want to get into a situation that will create a future problem. he thinks, that is what the previous question was At some point in time the home will be owned by some who does not have an accessory to put into the apartment, then it will have to be a special permit. Shouldn't we as a body here for see that potential problem and say that the best approach would be listing this as a two family residence. If It is listed as a two family residence then they could rent to family with out any issues.

Mrs. Mayrer states that as a body, They have not been proactive about two family residences. If we are going to shift our philosophy on this issue that will be fine. Generally an accessory use is more readily received.

Mr. Haber stated that he understands what Mrs. Mayrer is saying. This could cause a problem, he was suggesting if there was a way to avoid a problem that would effect the future administration 25 years from now.

Mr. Nugent states that the code for an accessory apartment can only use 35% of the existing structure and from what he is looking at the second unit has the same square footage as the first. So it can not be considered an accessory unit.

Chairman Goold stated that a two family would be the easier thing to do, and will give them more latitude

Mrs. Dow stated that they are going to retire, not become landlords.

Chairman Goold asked Mrs. Dow to think over the items that were talked about at tonight's meeting and discuss it with Nadine, so the public notice can be announced correctly.

Mr. Puccio asked Mr. Nugent if Mr. and Mrs. Dow needs to understand that there is no impediment ether way. Process wise there is not a difference in what they are asking for and there is no constraint in the zoning code.

Mr. Nugent stated that the impediment is they will have to get a special permit no matter what they decide. As for the zoning code there is one constraint, to have an accessory apartment they are over the square footage requirement.

Member discussed the pros and cons on the accessory vs. a two family unit.

Chairman Goold stated they will have to come back to the planning board for a public hearing after they talk to Mrs. Fuda to get the wording correct for the public notice.

Mark Teliska
1572 Columbia Tpk.
Proposed – General Contactor Building & Outdoor Sales Lot

2007-3/HC/178.-11-13

SITE PLAN

Mark Teliska, applicant, was present for this meeting.

Mark Teliska Cont...

Mr. Teliska stated that he was here for two different items the first being the out door sales lot, he currently has a special use permit on the property for an automotive repair and would like it to include a auto sales lot.

Chairman Goold asked Mr. Nugent to explain the difference LB and HC codes.

Mr. Nugent states the LB requires an out door sales special permit and the HC allows all the uses that is permitted in the LB zone plus additional permit uses. A public hearing will be required.

Chairman Goold stated that they should talk to Mrs. Fuda and then come back for a public hearing at a later date.

Mr. Puccio asked where the cars would be located on the property. And about the original permit for the repair lot, as he understands the repair location was not to have overnight parking. And there are several cars parked behind the repair shop all the time. The code was set up stating that cars would have to be parked inside until repairs were completed.

Mr. Teliska stated that the south side of the house is newly paved. The new parking area is out front. It will hold about 22 cars and or trucks including parking for visitors. He also stated that his understanding the permit stated that there were to be no un-register vehicles. There are cars worked on overnight and gone the next day, there is a constant rotation of vehicles.

Mr. Nugent states that the code requires that there be no out door parking of vehicles except if the vehicle is property registered and undergoing active repair.

Mr. Teliska stated that is exactly what is going on. He also stated the cars are to go the junk yard if they are not repairable.

Mr. Johnson request that Mr. Laberge check into the frontage and how far back they have to be from the road,

Mr. Teliska stated that do to financial reasons he is scaling back from 5 buildings to one additional building. He is requesting to build an 80 by 100 building for his general contract business.

Chairman Goold stated to Mr. Nugent that this needs be sent to Mr. Laberge along with the sales lot.

Mr. Nugent stated since the initial applicant was for 5 buildings and Mr. Teliska has indicated that the plan is being scaled back for financial reasons the board will have to address SEQRA on the entire proposed use.

Chairman Goold asked Mr. Teliska if he was withdrawing his original application. The out door sales, vehicle repair and the contractor building are the only things he is requesting.

Mr. Teliska stated that is correct.

[Mark Teliska Cont...](#)

Mr. Nugent ask if he planned to put up the other building in the future.

Mr. Teliska stated not at this time. He only planned to put up one building not 5 in the first place, He was instructed to request the extra building incase he someday would like to have them.

Chairman Goold asked Mr. Nugent that if he genuinely decided that he no longer wishes to follow through with the original plan and states it in writing then can't we consider what he is currently requesting.

Mr. Nugent stated that Mr. Teliska keeps saying "at this time" which indicates he is still looking to build in the future.

Mr. Teliska states he is withdrawing the other 4 buildings completely.

Chairman Goold asked Mr. Nugent if they should have the applicant put it in writing his change in plans and state what he desires to do. Then we can base our review on his written statement.

Mr. Nugent states that in the applicants written statement to Mrs. Fuda says that he does not plan to go forward with his plans for the other buildings at this time. But he is not telling this board that he is not going to go through the other 4 builds in the future.

Mr. Haber asked is there an issue with saying "allocating the remaining spaces for future development" He would rather see then sit there for future development then for us to be accepting something we know none of us believes, including the applicant that the site plan will change.

Mr. Teliska stated that through casual conversation, he said that it would be nice to have a few more building on the property and it was suggested to request what he would like to do and get all the work done now so it would be a shorter process in the future. He stated that he only wanted one building to begin with.

Mr. Nugent states that he understands what he is saying, but what I am asking now "do you have any specific intentions for the remaining property in the future"

Mr. Teliska states No.

Mr. Nugent state fine then we can just limit ourselves to this application at this time.

Chairman Goold states that this application will be sent to Mr. Laberge for review. We will set at least the out door sales lot for a public hearing. The contractor building is a matter of right in the HC zone it is just a matter of a site plan approval. All of which will take place after the engineering review.

Mr. Teliska will come in to see Mrs. Fuda to discuss the next step.

Roy & Deborah Denniston 2007-22/RA/200.-4-3.1 SUBDIVISION
Woodward & Kingman Rd
Proposed – 2 Lot Subdivision

Richard Tice, Brewer engineering was present for this meeting.

Mr. Tice states that the 19.5 acres are on the southeast corner of Kingman and Woodward road. This is a two-lot subdivision, one lot will 7.2 acres and the remaining 12 acres will be retained by the Denniston's.

Chairman Goold asked the members if they had any problems with sending this to a public hearing.

Members stated no.

Chairman Goold asked Mr. Tice if everything could be ready of the August 20th meeting.

Mr. Tice stats they are ready.

Mary Murphy 2007-21/RA/201-3-3.4 Lot Line Adj.
Best Road
Proposed – Lot Line

Mr. Smith, surveyor, was present for this meeting.

Mr. Smith stated that the board had approved the three lot subdivision last year, What they are planning to do now is move the line between lots 2 and 3 about 25 feet to accommodate septic system.

Mr. Nugent asked if it is lot two that is losing some land.

Mr. Smith stated yes, it is still 200 feet frontage at the 50 foot setback.

Mr. Johnson asked what is the actual road frontage on lot 2.

Mr. Smith states that it is 225 feet but it decreases to 200 feet at the setback.

Mr. Johnson asked if they had located an area for the other septic systems on the other lots.

Mr. Smith state they all have there septic systems in.

Mayrer moved, Haber seconded that the lot-line adjustment be accepted and approved. A public hearing and a survey map are not required. The property will be conveyed to the adjacent landowner and become part of that existing parcel.

7 Ayes. 0 Noes. Motion carried.
Ayes: Goold, Haber, Johnson, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: None

PUBLIC HEARING

Melissa Knights read the hearing notice(s) as published in the Troy Record:

Title of The Homestead August 6, 2007

Chairman Goold directed the affidavit(s) of publication be made part of the hearing record(s).

**Anna Zweig
The Homestead
McClellan Road
Proposed – 2 Lot Subdivision**

2007-19/R-40/RA/HC/211.-2-28.22

Chairman Goold opened the public hearing at 7:45 p.m.

Anna Zweig home owner was present for this meeting,

Mr. Johnson asked about the area of the smaller lot.

Mrs. Zweig stated the lot is 28 acres and there is 62 acres remaining.

Kedzierski moved, Haber seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.
Ayes: Goold, Haber, Johnson, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: None

Mayrer moved, Puccio seconded a **NEGATIVE DECLARATION**.

7 Ayes. 0 Noes. Motion carried.
Ayes: Goold, Haber, Johnson, Kedzierski, LaVoie, Mayrer, Puccio
Oppose: None

Puccio moved, Haber seconded that the following resolution be adopted:

WHEREAS, a formal application was submitted to the Planning Board on: July 9, 2007, for approval of a 2 -lot subdivision entitled, "The Homestead", map prepared by: Richard Van Alstyne, dated June 4, 2007", and

WHEREAS, a public hearing was held on the subdivision application and plat at the Schodack Town Hall on August 6, 2007 at 7:30 p.m., and

WHEREAS, the requirement of the subdivision regulations of the Town of Schodack have been met by said subdivision plat and application;

Anna Zweig Continued...

NOW, THEREFORE, BE IT RESOLVED, that the application of Anna Zweig be APPROVED CONTINGENT UPON submission of final maps, payment of fees and before building permits can be issued, permits to construct well and septic must be obtained from the Rensselaer County Health Department.

Chairman Goold closed the public hearing at 7:47 p.m.

ADJOURN

Haber moved, Mayrer seconded that the Planning Board meeting be adjourned. There being no objections, Chairman Goold adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Nadine Fuda
Director of Planning & Zoning

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